

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARL FORSELL,)	CASE NO. 5:22 CV 1454
)	
Plaintiff,)	
)	
v.)	MAGISTRATE JUDGE
)	CARMEN E. HENDERSON
SQUIRRELS, LLC., et al.)	
)	
Defendant,)	
)	
)	
)	

DATE OF HEARING: Monday, August 14, 2023

All counsel and/or parties will take notice that the above-entitled action has been set for a Telephonic Case Management Conference on August 14, 2023 at 10:00 AM before Magistrate Judge Carmen E. Henderson, Chambers 229, United States Courthouse, 125 Market Street, Youngstown, Ohio. Lead counsel shall participate in the CMC. Dial-in information shall be provided via separate email.

CASE MANAGEMENT / TRACK ASSIGNMENT

This case is subject to the provisions of Differentiated Case Management (DCM) as set forth in the Local Rules of the Northern District of Ohio effective on January 2, 1992 as renumbered on April 7, 1997. All counsel are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with LR 16.2(a)(1) and assign it to one of the case management tracks described in LR 16.2(a)(2). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and trial. Discovery shall

be guided by LR 26.1 and motion practice shall be guided by LR 7.1(b)-(i).

APPLICATION OF FED. R. CIV. P. 26(a)

Rule 26(a) of the Federal Rules of Civil Procedure mandates a series of required disclosures by the parties in lieu of discovery requests. Only certain categories of proceedings, specified in Rule 26(a)(1)(B), are exempt from the requirement of initial disclosures. If a party wishes to object to the requirement of initial disclosures, it must do so as part of the planning meeting report. **These disclosures must be made no later than 14 days before the CMC.** Failure to timely provide these disclosures may result in the imposition of sanctions.

CONSENT TO JURISDICTION OF MAGISTRATE JUDGE

The parties have consented to the jurisdiction of Magistrate Judge Carmen E. Henderson.

TIMING OF DISCOVERY

More than 21 days after the summons and complaint are served on a party, an “early” request under Rule 34 may be delivered. Delivery does not count as service. Rather, the Rule 34 request is considered to have been served at the first Rule 26(f) conference. Fed. R. Civ. P. 26(d)(2). A party may not seek formal discovery from any source before the parties have met and conferred at a Rule 26(f) conference. Fed. R. Civ. P. 26(d)(1).

PREPARATION FOR CMC BY COUNSEL

The general agenda for the CMC is set by LR 16.3(b)(2). It is the responsibility of counsel for Plaintiff(s) to arrange with opposing counsel for the meeting of the parties as required by Fed. R. Civ. P. 26(f) and LR 16.3(b)(3). A jointly signed report of this planning meeting shall be filed no later than 3 business days before the CMC. The report shall be in a form substantially similar to Attachment 1.

At least fourteen (14) days prior to meeting with the Court, Plaintiff(s) shall have made a

demand with a written description and monetary breakdown of the damages claimed, and no later than seven (7) days thereafter, Defendant(s) shall have responded with an offer. This is to be included in the Parties' Planning Meeting Report.

FILING OF DISCOVERY MATERIALS

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall **not** be filed with the Clerk's Office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

If a party intends to rely on deposition testimony in support of its position on a motion, the Court prefers the filing of the entire deposition rather than excerpts, unless the party truly believes that excerpts are sufficient, and with the proviso that any other party who believes the excerpts offered are not sufficient is free to file the entire deposition. In any event, discovery material submitted in support of any party's position shall be filed at the same time as that party's memorandum setting forth its position. Materials may only be filed under seal pursuant to LR 5.2.

COURTESY COPIES

Chambers **will not accept** courtesy copies of pleadings or memoranda unless expressly requested by the Court. Exception: Any pleadings or memoranda not electronically filed and due **within two (2) business days** of a conference/hearing/trial shall be emailed or faxed to the Court as well as opposing counsel on the same day it is manually filed. The Court's fax number is **330-884-7468**. If using facsimile, please contact chambers to confirm receipt.

DEPOSITIONS PRACTICES

LR 30.1 governs the taking of depositions. Counsel are expected to comply with the rule in

its entirety.

PRELIMINARY ESTIMATE/BUDGET OF FEES AND EXPENSES REPORT

Certain claims allow for or entitle prevailing parties to collect attorney fees from the other party. If this case contains such a claim, each party must bring to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to be the subject of any such claim. Lead counsel of record shall provide a copy of this report to his or her client prior to the CMC. These reports will be exchanged at the CMC. Such estimate shall include, but not be limited to, the following:

<u>Attorney's Fees</u>		<u>Costs</u>	
Preliminary Investigation & Filing Complaint	\$ _____	Deposition	\$ _____
Procedural Motions Practice	\$ _____	Experts	\$ _____
Discovery	\$ _____	Witness Fees	\$ _____
Dispositive Motions Practice	\$ _____	Juror Fees	\$ _____
Settlement Negotiations	\$ _____	Other	\$ _____
Trial	\$ _____		
TOTAL FEES	\$ _____	TOTAL COSTS	\$ _____

RESOLUTION PRIOR TO CMC

In the event that this case is resolved prior to the CMC, counsel shall submit a jointly signed stipulation of settlement or dismissal and notify the Court immediately by telephone or fax that the same is forthcoming.

ELECTRONIC FILING

Electronic filing is mandatory in the Northern District of Ohio. Counsel are advised that all

documents, notices and orders in this matter be filed electronically, except as provided for in the Electronic Filing Policies and Procedures Manual, a copy of which is available on the Court's electronic case files web site at <http://ecf.ohnd.uscourts.gov>. Also, the Clerk's Office has established an Electronic Filing Help Desk at 1-800-355-8498 to answer questions and provide assistance should difficulties arise.

Only counsel of record will be notified of court proceedings. Moreover, both counsel and pro se litigants have an affirmative duty to notify the Court of any change in address and/or other contact information. Counsel shall follow the instructions for updating contact information via the procedures set forth on this Court's public website. See Attorney Registration Change of Name/Address instructions set forth at www.ohnd.uscourts.gov. Pro se litigants shall file a written notice of change of address with the Court.

IT IS SO ORDERED.

s/ Carmen E. Henderson

CARMEN E. HENDERSON
U.S. MAGISTRATE JUDGE